



~~Rex 2/06~~

**PATENT**

372 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Initial application : Gottlieb Benz  
Application No. : 10/567,526  
Filed : February 7, 2006  
Confirmation No. : 9274  
For : METHOD AND DEVICE FOR PACKING TUBES  
Examiner : Lindsay M. Low  
Attorney's Docket : FELD-137XX

TC Art Unit: 3721

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 1-17-73.

By: Charles L. Gagnebin III  
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[ ] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

Application No.: 10/567,516  
Filed: February 7, 2006  
Confirmation No.: 9274  
TC Art Unit: 3721

[X] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:  
[ ] a statement under 37 CFR § 1.97(e); or  
[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

[ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

[ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

[ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of

Application No.: 10/567,516  
Filed: February 7, 2006  
Confirmation No.: 9274  
TC Art Unit: 3721

information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

Copies of the foreign references and/or non-patent references cited in the International Search Report (ISR) and our IDS at filing are now enclosed.

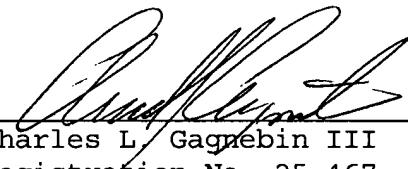
Also enclosed is a copy of the English translation of the International Preliminary Report on Patentability.

Application No.: 10/567,516  
Filed: February 7, 2006  
Confirmation No.: 9274  
TC Art Unit: 3721

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

Gottlieb Benz

By: 

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEBOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109

Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

DATE: 1-17-07

CLG/mes/346927.1  
Enclosure

Date: January 17, 2007

Page 1 of 1

| <b>U.S. DEPARTMENT OF COMMERCE</b><br><b>PATENT AND TRADEMARK OFFICE</b><br><br><b>(REV. 05/03)</b>   |  |                        |                         | ATTY. DOCKET NO.                   | APPLICATION NO. |          |   |
|---|--|------------------------|-------------------------|------------------------------------|-----------------|----------|---|
|   |  |                        |                         | FELD-137XX                         | 10/567,526      |          |   |
| <b>INFORMATION DISCLOSURE CITATION</b><br><i>(Use several sheets if necessary)</i>  |  |                        |                         | <b>APPLICANT:</b><br>Gottlieb Benz |                 |          |   |
|   |  |                        |                         | FILING DATE                        | TC ART UNIT     |          |   |
|   |  |                        |                         | Herewith                           | 3721            |          |   |
| <b>U.S. PATENT DOCUMENTS</b>  |  |                        |                         |                                    |                 |          |   |
| EXAMINER INITIAL  |  | DOCUMENT NUMBER        | PUBLICATION/ ISSUE DATE | NAME                               | CLASS           | SUBCLASS | FILING DATE   |
|   |  | US                     |                         |                                    |                 |          |   |
|   |  | US                     |                         |                                    |                 |          |   |
|   |  | US                     |                         |                                    |                 |          |   |
|   |  | US                     |                         |                                    |                 |          |   |
|   |  | US                     |                         |                                    |                 |          |   |
|   |  | US                     |                         |                                    |                 |          |   |
|   |  | US                     |                         |                                    |                 |          |   |
| <b>FOREIGN PATENT DOCUMENTS</b>   |  |                        |                         |                                    |                 |          |   |
|   |  | DOCUMENT NUMBER        | DATE                    | COUNTRY                            | CLASS           | SUBCLASS | TRANSLATION   |
|   |  | JP 07 010126 *Abstract | 1/13/1995               | Japan                              |                 |          | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
|   |  | JP 01 099912 *Abstract | 4/18/1989               | Japan                              |                 |          | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| <b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>   |  |                        |                         |                                    |                 |          |   |
|   |  |                        |                         |                                    |                 |          |   |
|   |  |                        |                         |                                    |                 |          |   |
|   |  |                        |                         |                                    |                 |          |   |
| <b>EXAMINER</b>   |  |                        |                         | <b>DATE CONSIDERED</b>             |                 |          |   |
| <b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |  |                        |                         |                                    |                 |          |   |

CLG/mes/346817.1 (refs. Submitted)

REFERENCES CITED IN PCT/CH04/00503